

DEC 3 2014

A091 (Rev. 8/01) Criminal Complaint

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Luis Ramos ATKINSON

CRIMINAL COMPLAINT

Case Number: **C-14-1298M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about **12/02/2014** in **Kenedy County** County, in the
(Date)

Southern District of Texas, the defendant(s)

Luis Ramos ATKINSON

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title **8** United States Code, Section(s) **1324**.
I further state that I am a(n) **Special Agent** and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of HSI Special Agent

Robert M. Dinoir

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

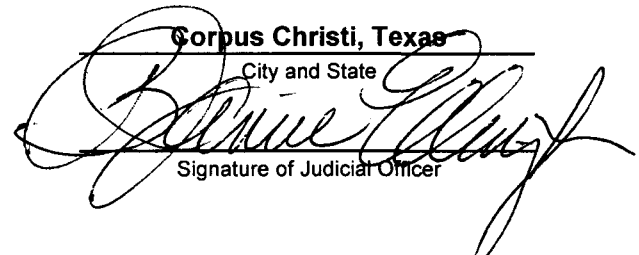
Robert M. Dinoir
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found on

December 3, 2014
Date

B. Janice Ellington U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

Luis Ramos ATKINSON

HSI Corpus Christi

Affidavit

On December 2, 2014, agents from HSI Corpus Christi received information from Border Patrol Agents about the apprehension of Luis Ramos ATKINSON attempting to smuggle two (2) undocumented aliens being transported in the vehicle he was operating.

On December 2, 2014, at approximately 12:20 p.m., a 2000 white Ford Ranger with Texas registration DZD9552, arrived at the primary lane for an immigration inspection at the U.S. Border Patrol checkpoint south of Sarita, Texas. The driver, later identified as Luis Ramos ATKINSON, was encountered by Border Patrol agent P. Garza and was asked if he was a United States Citizen to which he responded affirmatively. During the inspection, Border Patrol agent R. Garcia utilized his service canine to inspect the exterior of the vehicle and observed a positive alert.

Once the vehicle was in secondary inspection, agents had conducted records checks on ATKINSON and discovered he was detained previously for transporting two (2) undocumented aliens on October 28, 2014. During the secondary inspection of the vehicle, two (2) undocumented aliens were discovered in the extended cabin portion of the vehicle hiding under the rear seat and clothing. The two aliens were later identified as Menfil Ranfari LUCAS-Perez, adult male national of Guatemala, and Juan Carlos MARTINEZ-Mendoza, juvenile male national of Mexico. The rear portion of the cabin had been altered to allow for more space for the aliens and the seat was unattached to the wall of the vehicle and was instead resting on top of the aliens. Upon discovery of the aliens, all three (3) individuals were apprehended.

At approximately 12:26 p.m., ATKINSON was advised of his Miranda Rights in the language of his choosing (English) by Border Patrol agent P. Garza. ATKINSON signed a written waiver of his rights indicating he understood his rights and indicated he would answer agent's questions, without the presence of an attorney. The following is a paraphrased statement provided to Border Patrol agent P. Garza.

- ATKINSON stated he was travelling to San Antonio, Texas to visit his daughter to help diagnose a problem with her vehicle expecting to return to Rio Hondo, Texas the same day.
- ATKINSON stated he was approached by four (4) individuals while fueling his vehicle that asked for a ride to Houston, Texas.
- ATKINSON stated he agreed to take two (2) of the individuals to Robstown, Texas and pulled his car around the rear of the store and assisted two (2) men into the back of the vehicle. Then he placed the seats and clothing over them.
- ATKINSON admitted that he had knowledge the two individuals were present in the United States illegally, and stated he was trying to help them through the checkpoint because he liked to help people. He also claimed he did not expect to be paid.
- During questioning, ATKINSON admitted to previously being apprehended for attempting to smuggle aliens in October 2014.

Luis Ramos ATKINSON

HSI Corpus Christi

Juan Carlos MARTINEZ-Mendoza, the juvenile national of Mexico, refused to provide a statement regarding the events that led to his apprehension and was Voluntarily Removed to Mexico.

At approximately 1:31 p.m., Menfil Ranfari LUCAS-Perez was advised of his Miranda Rights in the language of his choosing (Spanish) by Border Patrol agent P. Garza. LUCAS signed a written waiver of his rights indicating he understood his rights and indicated he would answer agent's questions, without the presence of an attorney. The following is a paraphrased statement provided to Border Patrol agent P. Garza.

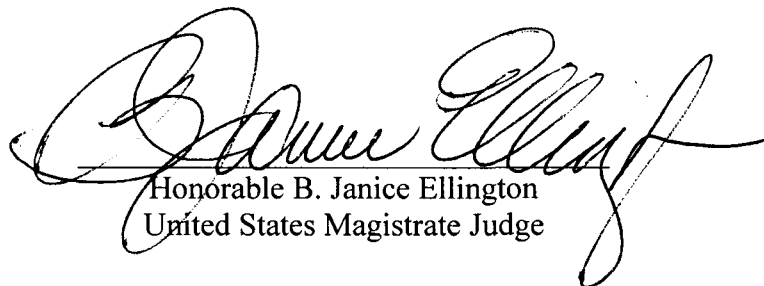
- LUCAS stated he entered into the United States illegally along with MARTINEZ-Mendoza, the juvenile son of a friend of his, when they were held until they paid smugglers \$6,000.00 USD to be transported to Houston, Texas.
- LUCAS stated the white Ford Ranger driven by ATKINSON arrived at the stash house and the two were instructed to enter the vehicle in the rear of the cabin and were subsequently covered up, but he could still identify the driver.
- LUCAS stated the two expected to stay with family of ATKINSON until the \$2,500.00 USD they agreed upon was paid once they were delivered to Houston, Texas.

Assistant United States Attorney Kenneth Cusick of the Southern District of Texas was contacted and gave authorization for the prosecution of ATKINSON for violations of 8 USC 1324, alien smuggling.



Robert M. Dinoir, Special Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED before me, this 3th day of December, 2014.



Honorable B. Janice Ellington
United States Magistrate Judge